

SENATE BILL No. 137

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-21-8-44.5.

Synopsis: Use of compression release engine brakes. Authorizes a local authority to prohibit the use of compression release engine brakes (except in case of failure of the service brake system) on a highway in its jurisdiction by: (1) adopting an ordinance concerning the prohibition; and (2) posting signs specifying the terms of the ordinance at each end of the area where the prohibition applies.

Effective: July 1, 2006.

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January 9, 2006, read first time and referred to Committee on Commerce and Transportation.

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Introduced

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

SENATE BILL No. 137

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-21-8-44.5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 44.5. (a) As used in this
3 section, "compression release engine brake" means a hydraulically
4 operated device that converts a power producing diesel engine into a
5 power absorbing retarding mechanism.

6 (b) A person who drives a motor vehicle equipped with compression
7 release engine brakes on the Indiana toll road in a county having a
8 population of more than one hundred forty-five thousand (145,000) but
9 less than one hundred forty-eight thousand (148,000) may not use the
10 motor vehicle's compression release engine brakes instead of the
11 service brake system, except in the case of failure of the service brake
12 system.

13 (c) **This subsection does not apply to any highway or street in**
14 **the state highway system. A local authority may by ordinance**
15 **prohibit the use of compression release engine brakes by a motor**
16 **vehicle upon a highway that is under the authority's jurisdiction,**
17 **except in the case of failure of the vehicle's service brake system.**

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1 (d) A local authority adopting an ordinance under subsection (c)
2 shall erect and maintain or cause to be erected and maintained
3 signs specifying the terms of the ordinance at each end of the part
4 of any highway affected by the ordinance and at intersecting
5 highways. The ordinance may not be enforced until the signs are
6 erected and maintained.

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